

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
FREYCO EQUIPMENT, INC.) CASE NO. 01-63655 JPK
) Chapter 7
Debtor.)

FREYCO EQUIPMENT, INC.)
)
Plaintiff,)
)
v.) ADVERSARY NO. 02-6097
)
GARIUP CONSTRUCTION CO, INC))
)
Defendant.)

ORDER CONCERNING PRE-TRIAL PROCEEDINGS AND TRIAL

This matter came before the Court on July 20, 2005, for pre-trial conference; the plaintiff appears by special counsel Stephen Maish; the defendants Gariup Construction Co., Inc. and National Fire Insurance appear by counsel David Buls; the United States Trustee appears by Trial Attorney William Andersen, Jr. ; Porter County Board of Commissioners and Porter County Jail Building Corporation appear by counsel Gwen R. Rinkenberger and Robert L. Clark; Skillman Corporation appears by counsel Jay Michael Cavosie.

The parties report that they have not engaged in further settlement negotiations, but that it is not a total certainty that further settlement negotiations may not prove fruitful.

The Court now orders that the following deadlines will control further proceedings in this case:

1. All discovery will be completed by **January 23, 2006**. The parties are advised that the Court will not enforce any request for discovery, or impose any sanctions with respect to any request for discovery, with respect to any discovery having a deadline for response, as

that deadline is established by applicable Rules of Procedure or otherwise by Court order, which is after the discovery deadline heretofore stated. The parties may informally agree to any extension of the discovery deadline without order of the Court, but if problems then ensue with respect to the informal extension, the Court will not enforce or impose sanctions with respect to any such discovery so extended. If discovery cannot be completed within the deadline hereby established, a party may by motion request an extension of the discovery deadline.

2. The parties contemplate that experts will be used in the trial of this matter. The parties shall exchange expert reports pursuant to the procedures and requirements of Fed. R. Civil P. 26(a)(2) by **March 24, 2006** with respect to any experts within the provisions of that rule who will be utilized by any party. All discovery with respect to experts provided for by Fed. R. Civil P. 26(b)(4) shall be concluded by **July 24, 2006**.

3. The pre-trial order will be finally prepared as a joint submission by all counsel, by face-to-face conference between counsel and will be submitted in the form of Appendix "A" to the Rules of the United States District Court for the Northern District of Indiana. The pre-trial order shall include the information and documents provided for in sub-paragraphs A, B, C, D, E, F, G, H, I, J and N. The order shall conclude with the certification of counsel that it was jointly prepared, and with a certification of the date, time and place of the face-to-face conference which resulted in its joint preparation. The pre-trial order shall be filed by **September 15, 2006**.

4. A final pre-trial conference will be held on **October 4, 2006, at 1:00 clock P.M.**

5. The Court has reserved three weeks for the trial. The trial will commence on **Monday, October 23, 2006 at 9:00 A.M.** and continue throughout that week; resume at 9:00 A.M. on Monday, October 30, 2006 and continue throughout that week; and to the extent necessary resume at 9:00 A.M. on Monday, November 6, 2006 and continue throughout that

week or until concluded.

6. If at any time the parties desire the Court's participation in further mediation, any requests therefor shall be made by joint motion signed by all parties.

Dated at Hammond, Indiana on August 4, 2005.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

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